

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ADAM FLETCHER YOUNG,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-10-608-D
)	
MIKE ADDISON, Warden,)	
)	
Respondent.)	

ORDER

This matter is before the Court for review of the Order of April 6, 2011 [Doc. No. 41], issued by United States Magistrate Judge Bana Roberts in this habeas corpus proceeding. Petitioner, who appears *pro se*, has filed a timely Objection. He objects only to the portion of the Order that denies, in part, a “Motion for Judicial Notice” [Doc. No. 38], which was construed by Judge Roberts as a notice of errata regarding a number of prior filings.¹ Petitioner does not disagree with Judge Roberts’ construction of his motion, but disagrees with her conclusion that no correction of the prior filings is needed.

Because Petitioner seeks review of a nondispositive pretrial matter, the Court may reconsider or modify the Order only if it is shown to be clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Upon consideration of the April 6 Order, Petitioner’s Objection, and the case record, the Court finds no basis to disturb Judge Roberts’ decision.

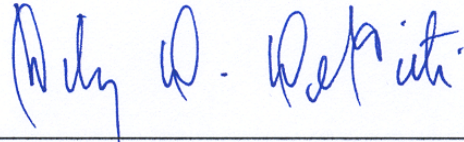
The filings for which Judge Roberts denied correction are: Petitioner’s objection filed October 4, 2010 [Doc. No. 18], which was overruled by the Court’s Order of October 21, 2010; Petitioner’s objection filed November 19, 2010 [Doc. No. 30], which was overruled by the Court’s

¹ Petitioner also requests clarification of certain filing deadlines. The uncertainty was created by a typographical error in the Order that Judge Roberts has corrected. *See* Correction Order [Doc. No. 43].

Order of November 22, 2010; and a motion by Petitioner for an extension of time [Doc. No. 31], which was granted by Judge Roberts. Petitioner concedes that Judge Roberts correctly states these filings are no longer pending, but he argues that they remain relevant because he refers to them in his merits brief, which remains pending. The Court rejects this contention. Judge Roberts has previously imposed reasonable page limitations on Petitioner's briefs; he cannot circumvent those limitations by incorporating other materials by reference. Accordingly, Judge Roberts properly determined that Petitioner does not need to correct filings that have already been resolved and are no longer at issue in the case.

IT IS THEREFORE ORDERED that Petitioner's Objection [Doc. No. 42] is overruled, and the April 6 Order [Doc. No. 41] is affirmed.

IT IS SO ORDERED this 22nd day of April, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE